



Figure 3. Christian Church, Joliet.

III. Criteria for *CLG* Certification

The National Historic Preservation Act, as amended (16 USC 470 et seq.), established the *Certified Local Government* program. A local government that meets the following criteria is eligible to apply for certification. The criteria have been set forth by federal regulation, 36 CFR 61.

A. *Certified Local Governments* must enforce the appropriate federal, state, or local heritage resource legislation for the designation and protection of historic properties within its jurisdiction.

1. **The *CLG* will assist the SHPO in implementing the National Historic Preservation Act, as amended, 16 USC 470 et seq., and the Montana State Antiquities Act, MCA 22-3-421 through 22-3-442.**
 - Administering a systematic historic, architectural, and archaeological survey program;
 - Making formal recommendations (written reports) to the Montana State Historic Preservation Office on the eligibility of properties for listing in the National Register of Historic Places;
 - Providing information on historic preservation programs and planning assistance to local government offices and the public.
2. **The *CLG* must establish local historic preservation ordinances or comparable local legislation to ensure a legal basis for the existence of, and authority invested in, the local Historic Preservation Officer and the historic preservation Commission, as provided by MCA 76-2-301, MCA 76-2-321.**

The local legislation **must** include:

- Definitions
- Statement of purpose
- Intent of the local government to consider preservation in all planning processes
- Establishment and appointment of a qualified historic preservation Commission
- Establishment and appointment process of a qualified local Historic Preservation Officer
- Establishment and maintenance of a system of survey and inventory compatible with SHPO
- Participation in the National Register designation process
- Provisions for adequate public participation in the local preservation program
- Delegation of additional duties as agreed upon with SHPO
- Enforcement of the legislation

The local historic preservation ordinances or local zoning laws **may** include the following provisions:

- Specific Commission membership and local Historic Preservation Officer qualification, geographic representation, and duties
- Local register for preservation purposes (i.e. planning, empowerment zones, local grant, loan, and tax incentives). Historic designation criteria and procedures for local districts, structures, buildings, objects, sites, and landscapes
- Design review criteria and procedures
- Demolition and demolition-by-neglect criteria and procedures
- Procedure for public notification and hearing on historic designation
- Specific guidelines to be adopted by the Commission (ie. Standards for Rehabilitation)
- Specific timeframes and procedures for review and consideration of appeals
- Provisions for decision-making, enforcing decisions, and right of appeal
- Provision for applying for and/or accepting funds, donations, etc.
- Review of federal undertakings as a consulting party.
- Formal review of federal undertakings, if approved by SHPO
- Formal notification of National Register nominations, if approved by SHPO

Design review authority may be granted to the local historic preservation Commission by local ordinance so that historic and prehistoric properties can be adequately considered in local planning. Provision for mandatory review of alterations, relocations, and demolition of historic structures and buildings, new construction within designated historic districts, and other actions that might affect locally designated properties may be included in local ordinance at the discretion of the local government.

The *CLG* is encouraged to adopt and implement the Secretary of the Interior's Standards for Archeology and Historic Preservation relevant to *CLG* needs and activities, preferably through local legislation. No *CLG* grant monies, provided by the SHPO, are to be spent, or matching share contributions accepted, that do not comply with the Standards for Archeology and Historic Preservation.

B. *Certified Local Governments* must establish a qualified historic preservation Commission.

1. The *CLG* must establish a historic preservation Commission.

The Commission will carry out the responsibilities outlined in this document, the Montana Certified Local Government Manual, and by the local government by local legislation. They include, but are not limited to:

- Participate as an active Commission in the protection of historic resources and implementation of historic preservation values and objectives in the local government.
- Insure historic preservation concerns are considered at all levels of local government planning and are incorporated as goals of other local, state, and federal projects.
- Administer local preservation ordinances.
- Assist the public in understanding preservation issues, standards, criteria, and methods, and provide historic preservation information and assistance to property owners.
- Encourage potential and feasible reuse and rehabilitation of historic buildings.
- Assist the *CLG* and HPO in accomplishing preservation planning goals.
- Monitor preservation covenants, agreements, grants, grant applications, and special projects.
- Provide technical assistance, direction, literature on historic preservation tax credits, National Register, federal regulations and Secretary of Interior Standards;
- Assist the *CLG* in filling vacancies promptly.

- Participate in and carry out the responsibilities for *CLG* program status as outlined in the “Montana Certified Local Government Manual.
- Meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

2. The *CLG* must appoint a minimum of five (5) members.

The Commission may be composed of professional and lay members, and all Commission members must have a demonstrated interest, competence, or knowledge in historic preservation. The local government shall appoint at least three (3) Commission members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, historic archaeology, or other historic preservation related disciplines such as cultural geography or cultural anthropology to the extent that such professional expertise is available in the community.

Local governments may be certified without the minimum number or types of professional disciplines represented on the Commission if it can be demonstrated that a reasonable effort was made to fill those positions. When National Register nominations are reviewed, appropriate professional expertise must be obtained for the local review process.

The local Historic Preservation Officer may serve as a member of the historic preservation Commission. Persons residing outside of the limits of the jurisdiction may be appointed members of the Commission.

The credentials of the Commission members must be kept on file locally and at SHPO, and be available to the public.



Figure 4. Carnegie Library, Bozeman.

3. The *CLG* must set terms of office for the Commission members.

Commission members terms shall be staggered and two years minimum in duration. There need not be a limit to the number of consecutive terms served by any one member. The local appointing authority shall act within sixty (60) days to fill a vacancy, including expired terms. Vacancies on the Commission must be filled within sixty (60) days, unless extenuating circumstances require a longer period.

4. The *CLG* must delegate local historic preservation Commission review duties.

The local preservation Commission shall review proposed National Register nominations for properties located within the *CLG*'s jurisdiction and, if so authorized by local ordinance, shall review alterations, relocation, and demolition of designated properties under the *CLG*'s jurisdiction. When a Commission considers a National Register nomination or

other action that will impact a property that is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission is required to seek expertise in this area before formulating its comments. This can be accomplished through consulting with universities, private preservation organizations, regional planning Commissions or consulting firms. The SHPO suggests that local governments consider sharing expertise in historic preservation disciplines with other local preservation Commissions.

C. *Certified Local Governments* must appoint a local Historic Preservation Officer.

1. The *CLG* must appoint and retain a local Historic Preservation Officer.

The local HPO must have a demonstrated interest, competence or knowledge in historic preservation. The HPO will:

- Coordinate the local historic preservation program;
- Help develop local surveys, projects, and historic preservation planning documents;
- Advise and assist the local historic preservation Commission, government agencies and the public;
- Effectively communicate with the Commission, local government, chief elected official, SHPO, and the public.
- Ensure that duties and responsibilities delegated to the *CLG* by the SHPO are satisfactorily carried out.

The SHPO urges the *CLG* to hire a local Historic Preservation Officer on a salaried basis and that the local Historic Preservation Officer possess a masters degree in historic preservation, architectural history, architecture, landscape architecture, history, historic architecture, archaeology, or closely related historic preservation field; or a bachelors degree in one of the above areas and at least two years experience in professional research, writing, field work, teaching; or work on historic preservation projects. Additional staff requirements for the *CLG* preservation program may vary according to the duties and responsibilities that are delegated to the *CLG* by the SHPO.



Figure 5. Club Moderne, Anaconda.

D. *Certified Local Governments* must maintain survey and inventory information on historic and prehistoric properties.

1. **The *CLG* must begin or continue to identify historic and prehistoric properties within its jurisdiction.**

The survey program must be approved and coordinated with the SHPO. This survey process undertaken by the *CLG* must be approved by the SHPO and consistent and compatible with SHPO's statewide survey methods and processes.

2. **The *CLG* must maintain a detailed inventory of the identified historic districts, sites, landscapes, structures, and objects under its jurisdiction.**

Local survey data must be in a format that is consistent with the statewide comprehensive site inventory. Inventory information must be made accessible to the public (except when access to historic or prehistoric sites locations shall be restricted), and available at the SHPO.

The survey data should be housed in a safe, secure, and publicly accessible location.

E. *Certified Local Governments* must institute and update a local historic preservation plan and include the Commission and local Historic Preservation Officer in local planning.

1. The *CLG* will prepare and adopt a comprehensive historic preservation plan within two (2) years of certification.

This preservation plan will establish historic contexts, use them to identify, evaluate, register, and treat historic properties, and be integrated into the broader community planning process. The plan will set prioritized goals, objectives, methods, and deadlines. It will include methods for organizing existing survey data, coordinating survey data with the statewide comprehensive inventory, and setting priorities for new surveys, nominations, and other preservation efforts. The plan will also include a method for assuring its use by all relevant agencies within the jurisdiction of the *CLG* for planning purposes, especially those projects approved, permitted, licensed, or funded by the state or federal government. See the Appendix: Preservation Planning.

A copy of the preservation plan must be provided to the SHPO.

2. The *CLG* will update the local historic preservation plan at least every five (5) years.

The *CLG* will revise the plan to reflect the changing conditions, needs, and priorities within the community. The *CLG* will incorporate new survey information including changes, alterations, or demolition of properties. A copy of the revised plan will be provided to SHPO.

3. The *CLG* must invite the participation of the local Historic Preservation Officer and Commission in the development of the planning document and participate in the local survey program.

The local Historic Preservation Officer, Commission, and the general public are important in the development of the planning document. SHPO recommends historic property owners, relevant professionals, and other government agencies in the community be actively sought for input.



Figure 6. Mark's In & Out Drive-In, Livingston.

F. *Certified Local Governments* must provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.

1. The Commission must meet at regular intervals, at least four (4) times each year.

Meetings of the local historic preservation Commission must adhere to state open meeting laws. Meetings must be conducted according to MCA 2-3-101 et. seq. and MCA 11-3-2. The meetings will be open to the public, advertised in advance, and held in a public place.

2. The CLG must provide for public participation in their program and meetings.

The Commission must include public comment as a meeting agenda item. Public participation must conform to MCA 2-3-101 et. seq.

3. The CLG must make public all policies, criteria, standards, and procedures adopted or amended by the Commission.

The Commission must follow local legislation and including public hearings.

4. The CLG must make public all decisions made by the Commission.

All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of those decisions. In addition, written or taped minutes of the actions of the Commission will be kept on file and made available for public inspection.

5. The CLG must solicit public comment in the National Register nomination process.

The CLG's role in the National Register review process is outlined in Section VII. All recommendation reports submitted to the SHPO must detail how the CLG provided for adequate public participation.

The CLG must have the legal authority to fulfill the National Register requirements specified by the SHPO in the Certification Agreement, Annual CLG Agreement, Montana Certified Local Government Manual, and Historic Preservation Fund Grants Manual.

G. *Certified Local Governments* must meet the Standards for Performance.

The CLG Standards for Performance are located in Section VII. C.

H. *Certified Local Governments* must report on preservation activities.

1. The CLG must report to SHPO on the activities of the Commission and local Historic Preservation Officer on or before each deadline.

The local Historic Preservation Officer will prepare and submit quarterly reports and requests for reimbursement, annual grant applications, agreements, match, attachments, and required documents on or before each deadline. Quarterly reports will include, but are not limited to:

- Quarterly Progress form with an overview of current program activities and attachments.
- Request for Reimbursement form with financial documentation including record of expenditures, and cash and in-kind match. The CLG may obtain the full reimbursement amount at anytime during the grant cycle provided that match requirements are met. If the CLG receives full reimbursement prior to the end of the cycle, CLGs are encouraged to continue to generate match to further demonstrate the CLG program's value, and to submit over-match to SHPO.

- Resumes of new Commission members.
- Commission member attendance records.
- Copies of the written minutes of all local review Commission meetings.
- Five copies of any publications produced.
- New local legislation related to the CLG program.
- New or updated, indexed copies of any inventory forms, survey reports, maps, photographs, and/or other survey materials.
- Newly listed National Register and National Historic Landmark properties.
- New tax incentive projects.
- Any new or updated planning documents.
- If the CLG has design and/or demolition review authority, include:
 - Number and types of cases reviewed.
 - Number of cases approved, tabled, or denied.
 - Review period (the number of days between the receipt of an application and action by the CLG).
- Any additional documentation required or requested by SHPO.



Figure 7. Charter Oak Mine, Powell County.

Progress on special projects or activities may be reported separately, as directed by SHPO.

The quarterly report deadline is the last business day of the month following the end of the quarter, unless otherwise specified by SHPO. Typically, the quarterly report deadline is the last business day of July, October, January, and April. Deadlines for the annual grant applications, agreements, and other required documents will be announced by SHPO well in advance.

Required quarterly reporting and accompanying documentation may be submitted via email, mail, or fax. Signed agreements are only accepted via mail, unless otherwise specified by the SHPO.

2. The local Historic Preservation Officer or Commission must report annually to the local government.

An annual report must be submitted in writing to the local chief elected official or presented at a regular city and/or county government meeting. The report must be made available to the public and the SHPO. This report must include: a description of the program, and the activities and products listed in Section IV. G. 1.

3. The CLG must provide access to the local Historic Preservation Officer.

The CLG must ensure the local Historic Preservation Officer is accessible to the public. The CLG may establish a local historic preservation office, regular office hours, support staff, and/or provide a messaging service or voice mail for the local Historic Preservation Officer. The SHPO may require the local Historic Preservation Officer to be accessible to the public and the SHPO for a certain number of hours in order to qualify for specific grant funding.

The CLG must provide email access to the local Historic Preservation Officer. The local Historic Preservation Officer must participate in the Montana CLG List-Serve, if available. All Commission members are welcome and encouraged to participate in the Montana CLG List-Serve.

I. *Certified Local Governments* must attend at least one training session annually and train new local Historic Preservation Officers.

1. **The local Historic Preservation Officer and/or at least one Commission member must attend at least one training session/meeting each year.**

The SHPO will make available such training and orientation materials to provide a working knowledge of the roles and operations of Federal, State, and local preservation programs. Following the session/meeting, the local Historic Preservation Officer and Commission will review any orientation materials provided by the SHPO. All Commission members are welcome and encouraged to attend the annual *CLG* training/meeting.

2. **New local Historic Preservation Officers will attend orientation training.**

To assist *CLGs* and new local Historic Preservation Officers, SHPO will provide training in procedures, program, and grant areas. When funding is available, SHPO will reimburse travel expenses for the local Historic Preservation Officer to train in Helena.

J. *Certified Local Governments* must avoid conflict of interest.

1. **Historic preservation Commissioners must avoid conflicts of interest (real and apparent) in their decision-making and are expected to be objective in their advice and decisions.**

Commission members cannot benefit directly or indirectly (either through financial or personal gain) from a decision in which they participate. Commission members cannot review their own work, nor can they gain any advantage because of their position as Commission members. For example, a Commission member may not participate in the development of a Request for Proposals (RFP) if the member expects to submit a proposal. Similarly, a Commission member may not participate in a subgrant award if the member could benefit directly or indirectly; or if a member belongs to a local group (non-profit, etc.) that might benefit from the subgrant. These prohibitions apply to financial or personal gain for Commission members, their families, employees, agents, partners, associates, etc. For example, a Commission member may not vote on the selection of subgrants if his or her firm submitted one of the subgrant proposals. These prohibitions also apply when the situation may appear to affect a member's objectivity. For example, a Commission member may not vote on the National Register eligibility of his or her family homestead. (The prohibition does not extend as far as the member being excluded from voting on a property just because it is located in the community where he/she resides.) An apparent conflict of interest also exists when a person may appear to have an unfair competitive advantage because of his/her relationship with the SHPO organization.

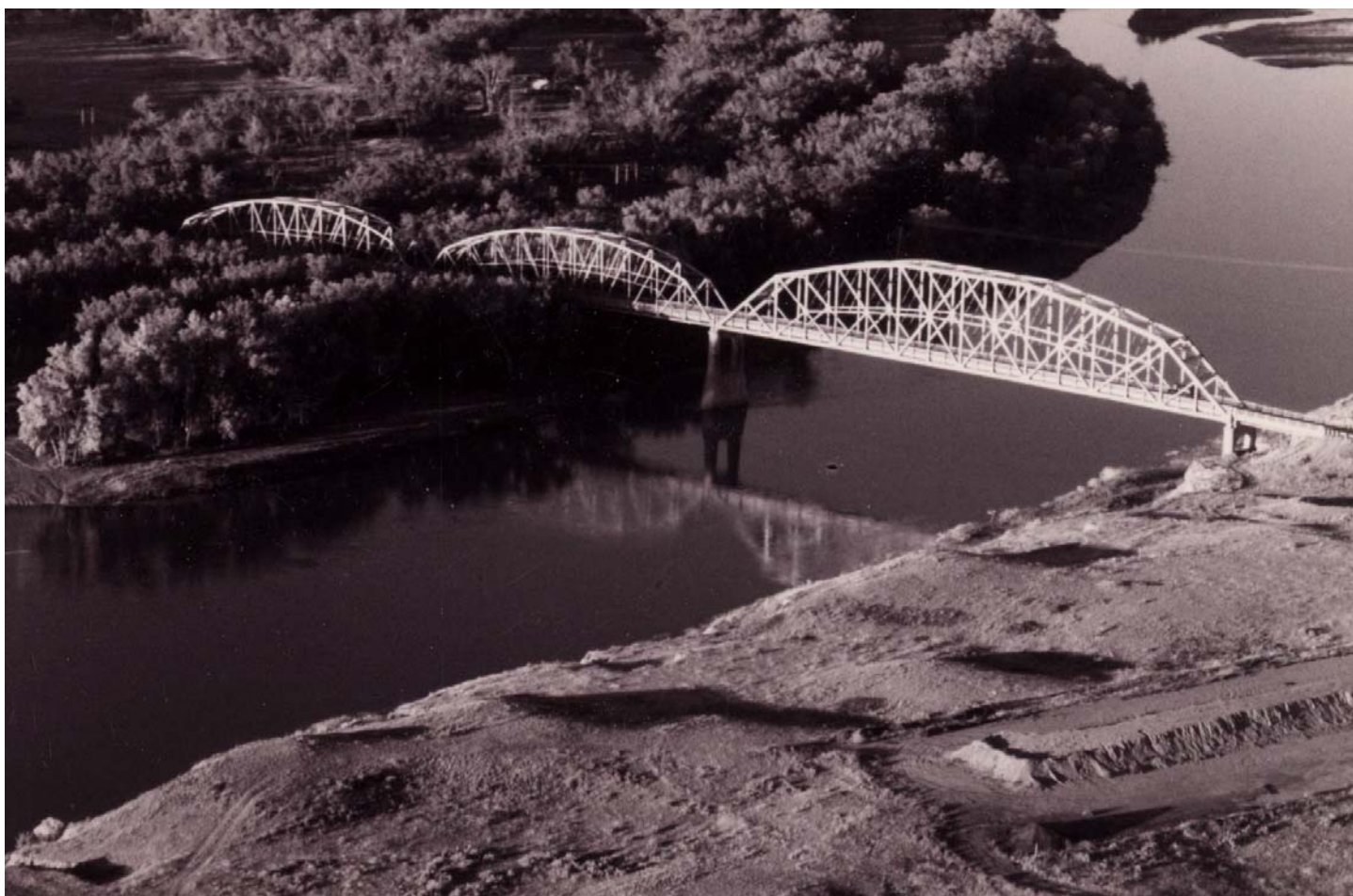


Figure 8. Lewis and Clark Bridge, Roosevelt and McCone Counties.

2. Commissioners must declare and disclose conflicts of interest and absent or recuse themselves from discussion and votes in cases of conflict of interest.

Whenever a real or apparent conflict of interest situation exists, it must be declared by the Commission member and documented in writing as soon as the conflict becomes apparent, but, at a minimum, before the issue or actions for which the conflict exists is acted upon or brought to resolution.

When a real or apparent conflict of interest arises, the person with the conflict situation must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process and neither vote directly, in absentia, nor by proxy in that matter. Those in a position to make a decision must be fully informed as to the possible conflict of the person(s) abstaining and recusing themselves.

Commission meeting minutes must indicate which member recused himself/herself and the reason(s) for the recusal.

3. The CLG must submit signed conflict of interest statements from historic preservation Commissioner to SHPO.

Commission members must sign and have on file with the SHPO a statement attesting to their familiarity with the conflict of interest requirements. Commission members are expected to be familiar with state and local code of conduct and rules of procedure.

K. Certified Local Governments must satisfactorily perform other responsibilities delegated to the CLG by the SHPO.

1. The SHPO may delegate additional duties to the CLG.

At SHPO discretion and by mutual written agreement with the local government, or by federal mandate from the National Park Service, further responsibilities may be delegated to the CLG. For example, local governments may petition SHPO to assume greater responsibility for providing formal notification for the National Register process, or review responsibilities as part of the mandated federal or state review process, or monitor federal agency agreements, provided that the CLG staff includes a person(s) who meet the Professional Qualifications Standards. Additional responsibility agreements may require approval of the National Park Service and/or the Advisory Council on Historic Preservation.

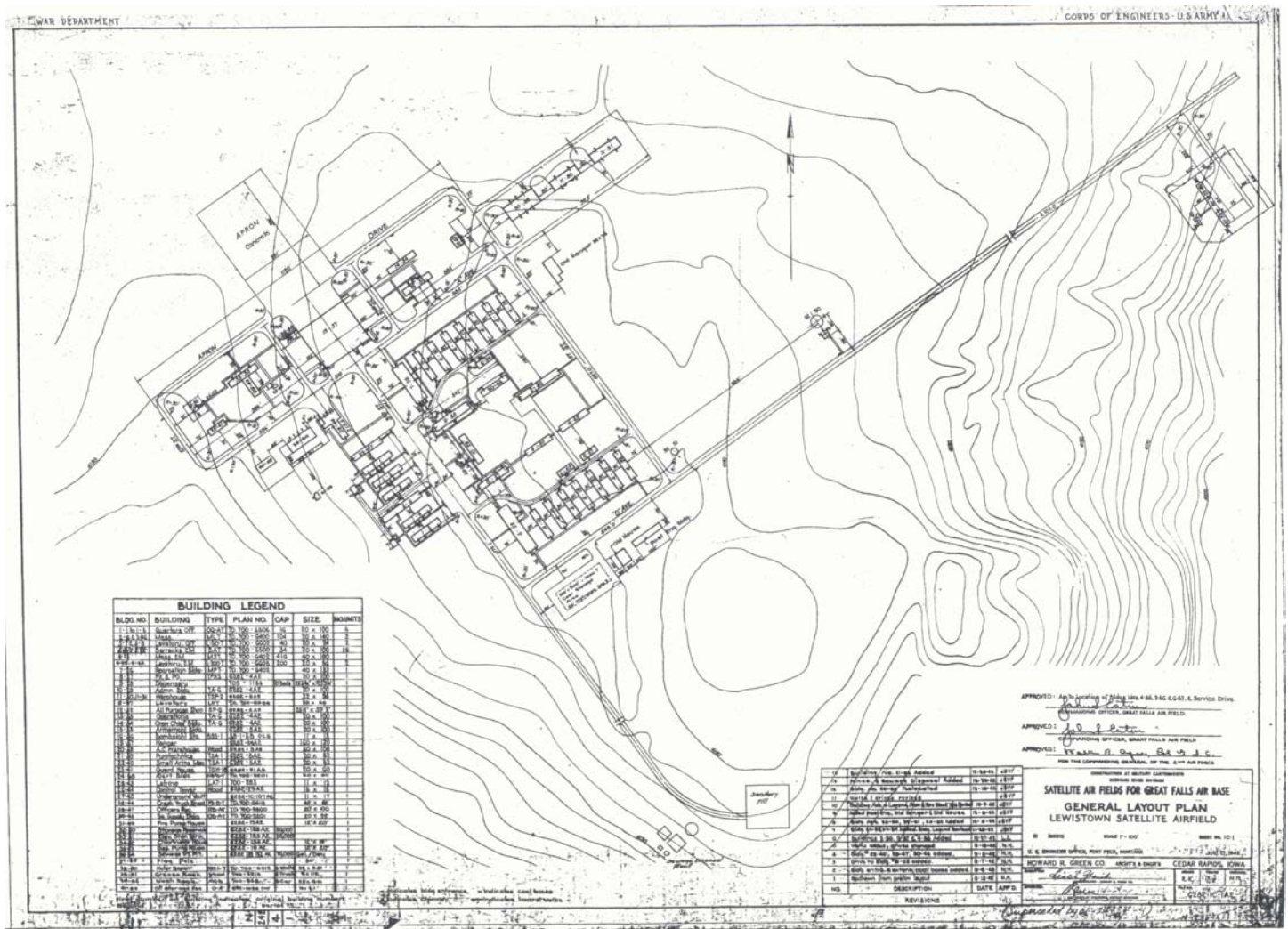


Figure 9. Lewistown Satellite Airfield.